

Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Sonia Sotomayor, to be an Associate Justice of the Supreme Court of the United States.

Senate passed H.R. 3435, CAR Save Program Supplemental Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S8891–S9063

Measures Introduced: Sixty bills and seven resolutions were introduced, as follows: S. 1586–1645, S. Res. 245–250, and S. Con. Res. 38. **Pages S8992–94**

Measures Reported:

S. 859, to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program. (S. Rept. No. 111–70)

Page S8992

Measures Passed:

CAR Save Program Supplemental Appropriations Act: By 60 yeas to 37 nays (Vote No. 270), Senate passed H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program, after taking action on the following amendments proposed there-to: **Pages S8946–67**

Rejected:

Harkin Amendment No. 2300, to limit the provision of vouchers to individuals with adjusted gross incomes of less than \$50,000 or joint filers with adjusted gross incomes of less than \$75,000. (By 65 yeas to 32 nays (Vote No. 263), Senate tabled the amendment.) **Pages S8946–48, S8960–61**

By 40 yeas to 57 nays (Vote No. 264), Kyl Modified Amendment No. 2301, in the nature of a substitute. **Pages S8948–50, S8951–52, S8961–62**

By 41 yeas to 56 nays (Vote No. 267), Vitter Amendment No. 2303, to provide for a date certain for termination of the Troubled Asset Relief Program. **Pages S8955–56, S8958–59, S8963**

During consideration of this measure today, Senate also took the following action:

By 46 yeas to 51 nays (Vote No. 265), three-fifths of those Senators duly chosen and sworn not having

voted in the affirmative, Senate rejected a motion to waive section 306 of the Congressional Budget Act of 1974 with respect to consideration of Gregg Amendment No. 2302, to protect the generations of tomorrow from paying for new cars today. Subsequently, a point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Pages S8950, S8962**

By 41 yeas to 56 nays (Vote No. 266), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Coburn Amendment No. 2304, to provide assistance to charities and families in need. The point of order that the amendment was in violation of section 201 of S. Con. Res. 21, was sustained, and the amendment thus fell. **Pages S8952–55, S8962–63**

By 47 yeas to 50 nays (Vote No. 268), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Isakson Amendment No. 2306, to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain home purchases, and to transfer to the Treasury unobligated funds made available by the American Recovery and Reinvestment Act in the amount of the reduction in revenue resulting from such credit. The point of order that the amendment was in violation of section 201 of S. Con. Res. 21, was sustained, and the amendment thus fell. **Pages S8956–58, S8959–60, S8963–64**

By 60 yeas to 37 nays (Vote No. 269), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 403 (e) (1) of S. Con. Res. 13, FY09 Congressional Budget Resolution, with respect

to the emergency designation provision in the bill. The point of order that the bill was in violation of section 403 (e) (2) of S. Con. Res. 13, FY09 Congressional Budget Resolution, was not sustained.

Page S8964

Veterans Health Care Budget Reform and Transparency Act: Senate passed H.R. 1016, to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 423, Senate companion measure, after agreeing to the committee amendment in the nature of a substitute.

Page S9058

Subsequently, S. 423 was returned to the Senate calendar.

Page S9059

WIPA and PABSS Reauthorization Act: Committee on Finance was discharged from further consideration of H.R. 3325, to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program, and the bill was then passed, clearing the measure for the President.

Page S9059

Campus Fire Safety Month: Committee on the Judiciary was discharged from further consideration of S. Res. 40, designating September 2009 as "Campus Fire Safety Month", and the resolution was then agreed to.

Pages S9059–60

Agent Orange Awareness Month: Senate agreed to S. Res. 248, designating the month of August 2009 as "Agent Orange Awareness Month".

Page S9060

Honoring United States Navy Pilot Captain Michael Scott Speicher: Senate agreed to S. Res. 249, honoring United States Navy pilot Captain Michael Scott Speicher who was killed in Operation Desert Storm.

Page S9060

Authorizing Legal Representation: Senate agreed to S. Res. 250, to authorize testimony and legal representation in *People of the State of California v. Amir Shervin*.

Pages S9060–61

Appointments:

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed the following Senators as delegates of the British-American Interparliamentary Group conference during the 111th Congress: Senators Sanders and Burriss.

Page S9061

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as a delegate of the British-American Interparliamentary Group conference during the 111th Congress: Senator Gregg.

Page S9061

Mickey Leland National Urban Air Toxics Research Center: The Chair, on behalf of the Majority Leader, pursuant to Public Law 101–549, appointed the following individual to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center: Shawn Gerstenberger of Nevada.

Page S9061

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader be authorized to sign any duly enrolled bills or joint resolutions through Friday, August 7, 2009.

Page S8967

Nomination Confirmed: Senate confirmed the following nomination:

By 68 yeas 31 nays (Vote No. EX. 262), Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

Pages S8896–S8946, S9063

Nominations Received: Senate received the following nominations:

Jim R. Esquea, of New York, to be an Assistant Secretary of Health and Human Services.

Jose W. Fernandez, of New York, to be an Assistant Secretary of State (Economic, Energy, and Business Affairs).

William E. Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

Alan D. Solomont, of Massachusetts, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

Robert James Grey, Jr., of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

John Gerson Levi, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Martha L. Minow, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Julie A. Reiskin, of Colorado, to be Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy.

Kenyan Ray Brown, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Benjamin B. Wagner, of California, to be United States Attorney for the Eastern District of California for the term of four years.

Steven Gerard O'Donnell, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

Dolly M. Gee, of California, to be United States District Judge for the Central District of California.

Richard Seeborg, of California, to be United States District Judge for the Northern District of California.

Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

8 Coast Guard nominations in the rank of admiral.

Routine lists in the Army, Coast Guard, and Navy. **Pages S9061–63**

Messages from the House: Pages S8990–91

Executive Communications: Page S8991

Petitions and Memorials: Pages S8991–92

Executive Reports of Committees: Page S8992

Additional Cosponsors: Pages S8994–97

Statements on Introduced Bills/Resolutions: Pages S8997–S9047

Additional Statements: Pages S8986–90

Notices of Hearings/Meetings: Page S9047

Authorities for Committees to Meet: Page S9047

Privileges of the Floor: Pages S9047–48

Record Votes: Nine record votes were taken today. (Total—270) **Pages S8945, S8961–64, S8967**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 10:01 p.m., until 9:30 a.m. on Friday, August 7, 2009. (For Senate's program, see the re-

marks of the Acting Majority Leader in today's Record on page S9061.)

Committee Meetings

(Committees not listed did not meet)

AVIATION SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine aviation safety, focusing on the relationship between network airlines and regional airlines, after receiving testimony from Steve Dickson, Delta Air Lines, Atlanta, Georgia; Don Gunther, Continental Airlines, Inc., Houston, Texas; Peter M. Bowler, American Eagle Airlines, Inc., Fort Worth, Texas; and Phil Trenary, Pinnacle Airlines Corp., Memphis, Tennessee.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine waste, fraud, and abuse in the Small Business Innovation Research (SBIR) Program, focusing on successes and challenges, data collection issues that affect program monitoring and evaluation, and how agencies make eligibility determinations for the program, after receiving testimony from Patricia A. Dalton, Managing Director, Natural Resources and Environment, Government Accountability Office; Thomas J. Howard, Acting Inspector General, National Aeronautics and Space Administration; Allison C. Lerner, Inspector General, National Science Foundation; and Alfred J. Longhi, Jr., New York, New York.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012, who was introduced by Senators Grassley and Harkin, Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, who was introduced by Senators Nelson (FL) and Martinez, and Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, after the nominees testified and answered questions in their own behalf.

CLIMATE CHANGE AND CLEAN ENERGY

Committee on Environment and Public Works: Committee concluded a hearing to examine climate change and clean energy, after receiving testimony from Jon Wellinghoff, Chairman, Federal Energy

Regulatory Commission; David Sandalow, Assistant Secretary of Energy for Policy and International Affairs; Thomas L. Strickland, Assistant Secretary of the Interior for Fish, Wildlife and Parks; Fred Krupp, Environmental Defense Fund, New York, New York; and William J. Fehrman, MidAmerican Energy Company, Des Moines, Iowa.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nominations of John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development, and Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality.

UNITED STATES POSTAL SERVICE OVERSIGHT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded an oversight hearing to examine the United States Postal Service, focusing on its financial condition and outlook and the Government Accountability Office's decision to place the Postal Service's financial condition on the High-Risk List, after receiving testimony from John E. Potter, Postmaster General, and David C. Williams, Inspector General, both of the United States Postal Service; Ruth Y. Goldway, Commissioner, Postal Regulatory Commission; Nancy H. Kichak, Associate Director for Strategic Human Resources Policy, Office of Personnel Management; Phillip Herr, Director, Physical Infrastructure Issues, Government Accountability Office; Fredric V. Rolando, National Association of Letter Carriers, William Burrus, American Postal Workers Union, and Dale Goff, National Association of Postmasters of the United States, all of Washington, D.C.; James West, Williams-Sonoma Inc., San Francisco, California; and Mark Suwyn, NewPage Corporation, Miamisburg, Ohio.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S.J. Res. 14, to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States;

H.R. 1129, to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron

working training program for Native Americans, with an amendment; and

S. 443, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, with an amendment in the nature of a substitute.

NATIVE HAWAIIAN GOVERNING ENTITY

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1011, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, after receiving testimony from Sam Hirsch, Deputy Associate Attorney General, Department of Justice; Haunani Apoliona, Office of Hawaiian Affairs, and Micah A. Kane, Hawaiian Homes Commission, both of the State of Hawai'i, and Robin Puanani Danner and Steven J. Glenn, both of the Council for Native Hawaiian Advancement, all of Honolulu; Stuart Minor Benjamin, Duke Law School, Durham, North Carolina; and H. Christopher Bartolomucci, Hogan and Hartson L.L.P., Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Steven M. Dettelbach, to be United States Attorney for the Northern District of Ohio, Carter M. Stewart, to be United States Attorney for the Southern District of Ohio, and David Edward Demag, to be United States Marshal for the District of Vermont, all of the Department of Justice.

BUSINESS MEETING

Committee on the Judiciary: Subcommittee on the Constitution ordered favorably reported S.J. Res. 7, proposing an amendment to the Constitution of the United States relative to the election of Senators.

NOMINATIONS

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, who was introduced by Senators Feingold and Kohl, and Peggy E. Gustafson, of Illinois, to be Inspector General, who was introduced by Senator McCaskill, both of the Small Business Administration, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Committee Meetings

No committee meetings were held.

Joint Meetings

MOLDOVA ELECTIONS

Commission on Security and Cooperation in Europe: Commission received a briefing to examine Moldova's recent parliamentary elections and their implications for United States-Moldova relations and regional policy, after receiving testimony from Andrei Galbur, Embassy of Moldova, Washington, D.C.; Valentina Cusnir, former Member of Moldova's Parliament, and Nadine Gogu, Independent Journalism Center, both of Chisinau, Moldova; and Louis O'Neil, former

Head of the OSCE Mission to Moldova, New York, New York.

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 7, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for July 2009, 9:30 a.m., SD-562.

Next Meeting of the SENATE

9:30 a.m., Friday, August 7

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, September 8

Senate Chamber

House Chamber

Program for Friday: Senate will be in a period of morning business.

Program for Tuesday: To be announced.



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